

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

20-CR-70-LJV- MJR
DECISION & ORDER

JUAN CASARUBIAS-GARCIA,

Defendant.

1. On September 16, 2020, the defendant Juan Casarubias-Garcia, pleaded guilty to Count 1 of the indictment charging a violation of Title 8, United States Code, Section sections 1326(a) and 1326(b)(1) (re-entry of a previously removed alien after a conviction of a felony). Docket Item 10.

2. On September 16, 2020, the Honorable Michael J. Roemer, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 12.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge Roemer's Report & Recommendation (docket item 12), the plea agreement (docket item 10), the indictment (docket item 2), a transcript of the digital FTR recording of the plea proceeding (docket item 13), and the applicable law. This Court finds no legal or factual error in Judge Roemer's Report & Recommendation and therefore adopts Judge

Roemer's recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty of Count 1 of the indictment.

IT IS HEREBY ORDERED that this Court adopts Judge Roemer's September 16, 2020 Report & Recommendation, Docket Item 12, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Juan Casarubias-Garcia, is now adjudged guilty under Title 8, United States Code, sections 1326(a) and 1326(b)(1).

SO ORDERED.

Dated: November 23, 2020
Buffalo, New York

s/Lawrence J. Vilaro
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE